

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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M.A. SAYEDUZZAMAN and PRASHANTA  
BARUA, :  
:  
Plaintiffs, :  
:  
: **ORDER**  
-against- :  
:  
SYLVAIN BERTHA and VFS CANADA :  
(AIROUTE CARGO), :  
:  
Defendants. :  
:  
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**COGAN**, District Judge.

Defendants' motion for reconsideration is denied. Defendants have not adequately shown excusable neglect. Defendants have cited no authority holding that going on vacation or having an attorney leave the firm constitutes an excuse for not responding to court orders, and many cases reject those excuses. See e.g., Seinfeld v. Worldcom, Inc., No. 06 Civ. 13274, 2007 WL 987867 (S.D.N.Y. April 4, 2007); IXL Enterprises, Inc. v. GE Capital Corp., No. 301cv2051, 2005 WL 736820 (D. Conn. March 31, 2005); Hartford Steam Boiler Inspection and Ins. Co. v. Southeastern Refractories, Inc., 212 F.R.D. 62 (D. Conn. 2003). It is also hard to accept that a firm the size of defendants' firm has no centralized system to insure that an attorney receives actual notice of any Court Order.

It should be noted that the excusable neglect standard may be applied more liberally when the negligent attorney is seeking to avoid a default judgment or dismissal of a complaint. Here, however, the only result is that the parties will continue their litigation in a state court that is well able to handle traffic accident cases. The right to

remove is narrowly construed, and having invoked it, defendants had to scrupulously abide by the Orders and rules of the Court they have chosen.

In addition, but along the same lines, although the motion cites Local Rule 6.3, it violates several provisions of it, including the required timing for making such a motion, and it also violates this Court's individual practice rule III(B)(4).

Accordingly, the motion for reconsideration is denied.

**SO ORDERED.**

s/Brian M. Cogan

U.S.D.J.

Dated: Brooklyn, New York  
August 9, 2007